

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

TITLE 18 – DEPARTMENT OF THE SECRETARY OF STATE

Notice is hereby given in accordance with G.S. 150B-21.1 that the Department of the Secretary of State intends to amend the rule cited as 18 NCAC 06A .2120.

Codifier of Rules received for publication the following notice and proposed temporary rule on April 16, 2020

Public Hearing:

Date: May 4, 2020

Time: 10:00 a.m.-10:30 a.m.

Location: (978) 990-5311, Access Code: 482848

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health safety or welfare. In March 2020, the Governor of North Carolina, by issuing Executive Order No. 116-118, 120-121, declared a state of emergency to coordinate a response to address the spread of COVID-19 and issued a Stay at Home Order, thereby limiting the operations of certain businesses. COVID-19 has caused, and will continue to cause substantial economic disruption to businesses. Local Public Offering ("LPO") Crowdfunding is a way for businesses to raise small amounts of money from a large number of investors. In order to assist North Carolina small businesses that are facing economic uncertainty, the North Carolina Secretary of State seeks to amend 18 NCAC 06A .2120 to (1) extend the sunset provisions to accept new Form NCE-LPO or other filings related to a new local public offering ("LPO") by five years and (2) extend the expiration for the rules in Section .2100 by five years to continue the accessibility of responsible intrastate crowdfunding by North Carolina businesses.

Comment Procedures: Comments from the public shall be directed to: Ann B. Wall, Physical: 2 South Salisbury St., Raleigh, NC 27601-2903; Mailing: P.O. Box 29622, Raleigh, NC 29626-0622; phone (919) 814-5305; fax (919) 807-2010; email rules@sosnc.gov. The comment period begins at 8:00 a.m. April 27, 2020 and ends at 5:00 p.m. May 18, 2020.

CHAPTER 06 - SECURITIES DIVISION

SUBCHAPTER 06A – RECODIFIED RULES

SECTION .2100 – RULES FOR LOCAL PUBLIC OFFERINGS (LPO)

18 NCAC 06A .2120 SUNSET PROVISION

- (a) The Administrator shall not accept any new Form NCE-LPO or other filing related to a new LPO after April 1, ~~2020~~ 2025.
(b) The rules in this Section shall expire on April 1, ~~2024~~ 2026.

History Note: Authority G.S. 78A-17.1(a)(5); 78A-17.1(f); 78A-49(a); 78A-49(d); 78A-64; S.L. 2016-103, s.4.(a);
Eff. April 1, 2017 to expire on April 1, 2021;
Amended Eff. July 1, 2020, to expire on April 1, 2026.